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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
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13 UNITED STATES OF AMERICA, ) 3:09-cr-00087-HDM-VPC  
14 Plaintiff, )  
15 vs. ) ORDER  
16 SEAN FOLLETT, )  
17 Defendant. )  
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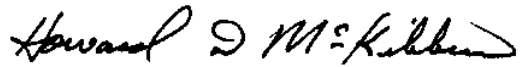
19 On August 1, 2012, the defendant filed a "motion for sentence  
20 modification" (#36). On September 17, 2012, the court denied the  
21 motion in part but reserved on that portion of the motion that  
22 could be construed as a motion under 28 U.S.C. § 2255. The court  
23 directed the defendant to file a supplement on or before October  
24 17, 2012, setting forth with particularity why the motion should  
25 not be dismissed as untimely and advised defendant that failure to  
26 file a supplement would result in denial of his motion.

27 Defendant has failed to file any response to the court's  
28 order, and the time for doing so has expired. Accordingly, for the

1 reasons set forth in the court's order of September 17, 2012, the  
2 defendant's motion for sentence modification (#36), insofar as it  
3 seeks relief pursuant to 28 U.S.C. § 2255, is hereby **DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: This 31st day of October, 2012.

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8 UNITED STATES DISTRICT JUDGE  
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